

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**ALFONSO HERNANDEZ,**

**Plaintiff,**

**v.**

**CIV 12-394 KBM-ACT**

**DANIEL BACA et al,**

**Defendants.**

**DEFENDANTS' NOTICE OF WITHDRAWAL OF [DOC. 46]**

**COME NOW**, Defendants, by and through Assistant City Attorney Stephanie M. Griffin, and hereby gives Notice of Withdrawal of Defendants Response to Plaintiff's Motion for Leave to file a Motion to Seek Relief under 28 U.S.C. § 1927 [Doc. 46] as Plaintiff's counsel claims that defense counsel made a misrepresentation as to when Plaintiff's counsel came into possession of the email that is referenced in her motion. Although defense counsel denies that she made any misrepresentations, defense counsel has no evidence to dispute exactly when Plaintiff's counsel claims that she came into possession of the email and therefore defense counsel will file a subsequent response brief which qualifies her representations concerning this email.

Respectfully submitted,

CITY OF ALBUQUERQUE  
David J. Tourek, City Attorney

/s/ Stephanie M. Griffin  
Assistant City Attorney  
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(505) 768-4500

*Attorney for City Defendants*

I hereby certify that the foregoing was sent via Notice of Electronic Filing to:

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*Attorneys for Plaintiffs*

on this 21<sup>st</sup> day of June, 2013.

/s/ Stephanie M. Griffin, Assistant City Attorney